

10/523,322

REMARKS

After a brief discussion with the Examiner on January 17, 2008 and a review of the claims as amended in the response filed January 16, 2008, the Applicant wishes to further amend the claims per the above. The above claims are being amended under the assumption that the claim amendments, filed on January 16, 2008, will be entered in this application.

In order to further distinguish the claims from the applied art of Keck '089 and Haefflinger '121, claims 31, 41 and 46 are each amended to more clearly state the arrangement between the interlacing gantry (11, 11') and the fixed guide base sections (19').

The interlacing equipment of Keck '089 relates to a cradle 8 which extends along the cross-beam 7. The cradle 8 carries a drum 17 of a plastic sheeting 18 across a cross-beam 7. In short, the cradle 8 carrying the interlacing material extends *parallel*—not perpendicular—to the cross-beam 7 and the direction of motion of the cradle 8 is *along* the cross-beam 7.

According to Haefflinger '121, one could it possibly argue that the cross-beam 5 is supported by upright posts 8. It should be noted, however, that these upright posts 8 are not guided along any type of guide but instead are supported by the floor and not movable relative to the floor. Only the cross-beam 5 travels back and forth over the product carrying interweaving material for placement at two alternate positions—the fixed upright posts 8 do not move to an fro. That is, the cross-beam 5 is movable relative to the fixed upright posts 8 and the floor or support surface.

With the above clarifying amendments, the claim 31 now emphasis that the top ends of the upright posts are connected to the cross-beam and the bottom end of each of the at least two upright posts engages with one of the two fixed guide base sections 19' so as to be movable along the fixed guide base section 19' and facilitate guiding movement of the at least one interlacing gantry 11, 11' along the at least two fixed guide base sections (19'). As noted above, neither Keck '089 nor Haefflinger '121 discloses an arrangement in which the cross-beam, the two upright posts and the at least one spool 12 are all movable together as a unit relative to the products 2 to be palletized.

Independent claim 41 further recites the limitations of "at least two upright posts are interconnected by a cross-beam, which generally extends parallel to and along at least a portion of a length of the elongated cylindrical products (2) when palletized...the bottom ends of the at least two upright posts each have at least one guide which is received and slidably supported by one of at least two fixed guide pathways, which extend substantially perpendicular to the cross-beam for facilitating movement of the cross-beam substantially normal to the at least two fixed guide pathways and the at least one carrier (4) of the palletizing machine (1)...." Independent claim 46 now recites the limitations of "at least two upright posts (11a) interconnected by a cross-beam (11b)...the at least two upright posts (11a) and the cross-beam (11b) extend vertically above and over a gantry base structure (19), and at least one guide

2/11/08-2:39 pm

- 7 -

10/523,322

pathway of the gantry base structure (19), the at least one guide pathway extends substantially perpendicular to the cross-beam (11b) and receives a roller which is integral with the interlacing gantry (11, 11') for facilitating guided movement of the cross-beam (11b) of the interlacing device (10, 10')...." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.


In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Keck '089 and Haefflinger '121 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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